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NSC FOR CHUPA  
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E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WEEKLY WRAP-UP  
FOR 21 NOV 2003

This is CWC-124-03.

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Improving Efficiency of the Executive Council  
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1. (U) OPCW Director for Policy Making Organs Sylwin Gizowski addressed the WEOG November 18, responding to the group's invitation to suggest improvements to the work of the Executive Council. Gizowski spoke in a personal capacity, acknowledging that it was not the responsibility of the Technical Secretariat to evaluate the EC.

2. (U) He opened with the observation that some obvious benchmarks, like the number of meetings or decisions taken by the EC, were not good measures of efficiency. While some quantitative benchmarks might be useful, the key was to evaluate how well it fulfilled its powers and functions spelled out in Article 8 of the Convention: to promote implementation and compliance with the Convention, supervise the work of the TS, and cooperate with National Authorities.

3. (U) Gizowski said that accountability and timeliness were two areas clearly showing room for improvement by the EC. Like the TS, States Parties and the EC itself had responsibility to provide information and recommendations on time. The most obvious failing in this regard was the Council's perennial last-minute recommendation to the CSP on the budget level. The quality of intersessional work should also be addressed. Expansion of the "Cluster" system currently used for addressing industry issues could be helpful, he suggested, particularly as the number of issues requiring facilitation continued to increase while the number of facilitators declined. Requests for papers from the TS should be spread insofar as possible over the calendar year rather than heaped up during consultations, overstressing the staff's capacity to respond. Gizowski also suggested more tightly focusing the EC agenda. The Plan of Activities had grown over the years, and included some items dating from the PrepCom which no longer had relevance to the activities of the organization. The list had been intended as an "index" of issues, rather than a to-do list, and should be reviewed in terms of priorities for implementation.

4. (U) Gizowski identified two over-arching problems hampering the work of the EC: the "easy no" and "insufficient multilateralism." Compared to other multilateral fora, he claimed, delegates at the EC felt little embarrassment at blocking consensus. Gizowski added that the use of timetables for decisions or action was necessary, citing progress on the Action Plan for National Implementing Measures. When this occurred, he suggested, the dissenting representative should be pressed to clearly explain his nation's compelling reason for opposing the decision. The second problem he alluded to was for extensive bilateral negotiations to sometime displace multilateral consultation. Clearly alluding to U.S.-Russia discussions on the margins of EC sessions, Gizowski said that bilateral agreements were often presented at the last minute to the EC as inflexible decisions. This same process, however, is also surfacing in other areas of negotiation such as the Action Plan on National Implementing Measures and the work of the industry cluster, where increasingly the pattern is evolving that India/Iran and the U.S./U.K. must 'huddle' before text can be put to the whole group as a fait accompli. He urged broader and earlier multilateral participation in such debates, in part for the "educational" benefit of the other members and to allow for peer pressure to mitigate State Party agendas. In the question-and-answer session that followed Gizowski's presentation, Ambassador Javits described the difficulties the U.S. Delegation had experienced in reaching timely agreement with the Russians in advance of the CSP, and a number of delegates nodded in understanding.

15. (U) Turning to organizational matters, Gizowski made several specific proposals:

- Greater involvement of EC Vice-Chairpersons or others on the sidelines of informal consultations to overcome deadlocks encountered by facilitators.
- Retention and expansion of the "Cluster" arrangement for informal consultations.
- Excluding issues not ripe for EC decision from the EC agenda by conducting a meeting of facilitators in advance of the Session to evaluate ripeness of issues, and inclusion of clear and timely recommendations to the EC by working groups to avoid time-consuming negotiation at EC sessions. Last minute additions or proposals hamper progress.
- Revising the terms of office for Council Chairpersons and other officers to better coincide with Conference sessions. (Gizowski also suggested that scheduling CSP sessions in the spring had worked better than in the fall.)
- Reducing the number of EC Sessions per year.

16. (U) In conclusion, Gizowski addressed some of the main substantive issues currently before the EC. He urged that implementing Action Plans on National Implementation and on Universality should be a priority for the EC, and settling the selection methodology for inspection of Other Chemical Production Facilities (OCPF). Specifically, Gizowski cited the need to increase the nonproliferation objectives of the Convention by addressing the issue of discrepancies in transfers of scheduled chemicals and the accuracy and timeliness of declarations. He also highlighted the need to establish a requirement for "nil declarations" and achieving consensus on a format for declarations on protective programs. Finally, he returned to budget preparations, suggesting that preliminary consultations begin in January if necessary to reach timely agreement.

17. (U) At Ambassador Javit,s request, Gizowski agreed to prepare a non-paper summarizing his presentation for more systematic EC consideration. In the question and answer session following the presentation further ideas were raised, including shortening EC sessions or scheduling fewer during the year. Different views were expressed on the usefulness of the annotated agendas for the EC,s. Further time for Q & A has been blocked for Gizowski at the November 25 WEOG.

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ABAF-15  
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18. (SBU) The Advisory Body on Administrative and Financial Matters held its fifteenth session November 17-21. The agenda item that received the most attention was an update on Results-Based Budgeting and the Medium Term Plan. While recognizing that preparation of the MTP in no way prejudged future budgets, which would be set by the Policy Making Organs, the Director General advised ABAF members that the 2005 budget might be held to zero real growth. On that basis, the first draft of the MTP included two budget projections, one assuming zero real growth and the other 4% growth. Although the MTP also anticipated savings in a number of areas, neither of the projected budgets supported current levels of inspection activity. This came to the attention of WEOG delegations, which objected to the preparation of a plan that projected cuts in the core activities of the organization. U.S. ABAF expert John Fox told DeLoof that DDG Hawtin proposed to address these complaints by dropping the 4% growth projection and simply noting that the projected zero-growth budget would not be sufficient to sustain current levels of activity.

19. (U) The ABAF report, completed November 21, recommended that the MTP be redrafted to indicate to what extent anticipated savings, increased income for verification activities, and the on-call inspector scheme would offset the anticipated shortfall of resources for inspections noted elsewhere in the document. The report noted the MTP projection that if the budget was held to zero real growth, "there would be an inability to fulfill what has been identified as the Organization,s first priority, i.e., verification of disarmament activities, and to perform any Art. VI inspections or other operational activities."

110. (U) The issue of establishing a stabilization mechanism for late payments of verification costs under Articles IV and V was added to the ABAF agenda under "Any Other Business" in light of informal consultations on Article IV/V scheduled for the following week. Drawing on facilitator Johan Verboom of the Netherlands, discussion paper, ABAF proposed a solution consisting of five elements:

- allowing repayment of the Working Capital Fund "as soon as feasible" rather than by the end of the next financial year;

- increasing the cap on the WCF to perhaps 14% of the budget, or roughly 10 million Euros;
- funding this initially out of the remaining cash "surpluses" from 2001-2003;
- using future late payments by possessor states to replenish the WCF; and
- allocating any additional funds from Article IV/V payments to the cash surplus to be returned to States Parties.

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Implementing the Universality Action Plan  
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¶11. (SBU) Del provided U.S. views on implementing the Universality Action Plan to External Relations Director Huang Yu and other Secretariat officials, and to the WEOG. A meeting scheduled for November 21 to solicit volunteer regional and sub-regional Points of Contact was postponed to allow the participation of Mr. Huang (whom the Director General is to designate as the TS Point of Contact), and possibly of DG Pfirter as well. Disagreement over the need for further facilitation of the Universality Action Plan was another reason for the postponement. The Indian delegation wrote to Huang, objecting to the ongoing role of former facilitator Consuelo Femenia of Spain in calling the meeting and proposing the agenda. Femenia had earlier stated that she did not wish to continue as facilitator after the adoption of the Action Plan, but nevertheless told DelOff that she would challenge India's contention that she was no longer needed.

¶12. (U) The TS anticipates that the Director General will formally appoint Huang as POC in the coming days. Huang is to chair a meeting with interested States Parties on implementing Universality November 26. At that meeting, Huang will solicit volunteer regional and sub-regional POCs, schedule a meeting with these POCs (probably on the margins of EC-35), and provide preliminary thoughts on a schedule of universality-related activities for 2004.

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Staff Council Issues  
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¶13. (SBU) Chairman of the Staff Council Gordon Vachon provided an update on issues of concern to OPCW staff to DelOff November 19. At the Council's Annual General Conference the day before, Vachon had been re-elected to a second term as chairman, and he said that considerably more candidates had stood for election to the other eight positions on the council than the year before. (The Council includes four representatives each from the general and professional grades, as well as the Chairperson.) Vachon attributed that to the Council's increasing activism on behalf of its members. He gave a positive assessment of recently appointed Director for Human Relations Eva Murray, but said that her efforts to reduce friction between staff and management had had limited success, and it was "a fiction" that management consulted with staff representatives on issues that affected them. There had been some improvement in the staff's treatment by the host nation, such as agreement to allow those whose contracts had been terminated to remain in the Netherlands until the end of their children's school terms.

¶14. (U) On the status of OPCW staff members, anticipated lawsuits to the ILO Administrative Tribunal, Vachon understood that suits had been filed following the release of roughly a dozen inspectors on November 13. However, he did not have detailed information on those complaints, and OPCW Acting Legal Adviser Isaac Minta told us the next day that he was unaware of any new suits involving OPCW at the ILO/AT. Vachon stuck by his earlier assessment that up to 50 suits could be expected before the tenure policy had run its course, and that this could cost the organization anywhere from 2 million to 10 million euros.

¶15. (U) Javits sends.  
SOBEL